

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 333

Introduced by Thompson, 14

Read first time January 11, 2005

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motor Vehicle Operator's License Act; to
2 amend sections 60-4,120.01 and 60-4,124, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 holders of provisional operator's permits and holders of
5 school permits; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-4,120.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 60-4,120.01. (1) Any person who is at least sixteen
4 years of age but less than eighteen years of age may be issued a
5 provisional operator's permit by the Department of Motor Vehicles.
6 The provisional operator's permit shall expire on the applicant's
7 eighteenth birthday. The requirements for the provisional
8 operator's permit prescribed in subdivisions (2)(a) and (b) of this
9 section may be completed prior to the applicant's sixteenth
10 birthday. A person may apply for a provisional operator's permit
11 and take the driving test and the written examination, if required,
12 at any time within sixty days prior to his or her sixteenth
13 birthday upon proof of age in the manner provided in section
14 60-484.

15 (2) In order to obtain a provisional operator's permit,
16 the applicant shall present to the examiner (a)(i) proof of
17 successful completion of a department-approved driver safety course
18 which includes behind-the-wheel driving specifically emphasizing
19 (A) the effects of the consumption of alcohol on a person operating
20 a motor vehicle, (B) occupant protection systems, (C) risk
21 assessment, and (D) railroad crossing safety and (ii) proof of
22 successful completion of a written examination and driving test
23 administered by a driver safety course instructor or (b) a
24 certificate in a form prescribed by the department, signed by a
25 parent, guardian, or licensed driver at least twenty-one years of
26 age, verifying that the applicant has completed fifty hours of
27 lawful motor vehicle operation, under conditions that reflect
28 department-approved driver safety course curriculum, with a parent,

1 guardian, or adult at least twenty-one years of age, who has a
2 current Nebraska operator's license or who is licensed in another
3 state. If the applicant presents such a certificate, the applicant
4 shall be required to successfully complete a driving test
5 administered by an examiner of the department. The written
6 examination shall be waived if the applicant surrenders a Nebraska
7 LPD-learner's permit issued after January 1, 1999, and such permit
8 is valid or has expired no more than one year prior to surrender.
9 However, the department shall not waive the written examination if
10 the provisional operator's permit being applied for contains a
11 class or endorsement which is different from the class or
12 endorsement of the LPD-learner's permit. Upon presentation to the
13 examiner by the applicant of a form prescribed by the department
14 showing successful completion of the driver safety course, the
15 examiner shall waive the written examination and driving test.
16 Upon presentation to the examiner of the certificate, the examiner
17 shall waive the written examination but not the driving test. The
18 examiner shall waive the written examination and the driving test
19 if the applicant has been issued a school permit and such permit is
20 valid or has expired no more than one year prior to application.
21 The written examination shall not be waived if the provisional
22 operator's permit being applied for contains a class or endorsement
23 which is different from the class or endorsement of the school
24 permit.

25 ~~(3)~~ (3) (a) The holder of a provisional operator's permit
26 shall only operate a motor vehicle on the highways of this state
27 during the period beginning at 6 a.m. and ending at 12 midnight
28 except when he or she is en route to or from his or her residence

1 to his or her place of employment or a school activity. The holder
2 of a provisional operator's permit may operate a motor vehicle on
3 the highways of this state at any hour of the day or night if
4 accompanied by a parent, guardian, or adult at least twenty-one
5 years of age, who has a current Nebraska operator's license or who
6 is licensed in another state.

7 (b) On and after the effective date of a provisional
8 operator's permit until twelve months after such date, the holder
9 of the provisional operator's permit shall not operate a motor
10 vehicle containing more than one passenger unless at least one
11 passenger is a parent, guardian, or adult at least twenty-one years
12 of age, who has a current Nebraska operator's license or who is
13 licensed in another state. The holder of a provisional operator's
14 permit may operate a motor vehicle containing one or more family
15 members. For purposes of this subdivision, family member means the
16 holder's spouse, child, stepbrother, stepsister, including any
17 adopted or foster child residing in the same household as the
18 operator, or sibling.

19 (4) The county treasurer shall collect the fee prescribed
20 in section 60-4,115 for the issuance of each provisional operator's
21 permit.

22 Sec. 2. Section 60-4,124, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 60-4,124. A person who is younger than sixteen years of
25 age but is over fourteen years of age may be issued, by the county
26 treasurer, a school permit to drive a motor vehicle, moped, or
27 motorcycle to and from where he or she attends school by the
28 nearest highway from his or her place of residence if such person

1 lives a distance of one and one-half miles or more from such school
2 and either resides outside a city of the metropolitan, primary, or
3 first class or attends a school which is outside a city of the
4 metropolitan, primary, or first class. A school permit shall be
5 used for the sole purpose of transporting such person or any family
6 member who resides with such person to attend school, ~~except that~~
7 ~~the holder of the permit may drive under the personal supervision~~
8 ~~of a licensed operator unless at least one passenger is a parent,~~
9 ~~guardian, or adult at least twenty-one years of age, who has a~~
10 ~~current Nebraska operator's license or who is licensed in another~~
11 ~~state.~~ Such licensed operator shall be at least twenty-one years
12 of age and licensed by this state or another state and parent,
13 guardian, or adult shall actually occupy the seat beside the
14 permitholder or, in the case of a motorcycle or moped, if the
15 permitholder is within visual contact of and under the supervision
16 of, in the case of a motorcycle, a licensed motorcycle operator or,
17 in the case of a moped, a licensed motor vehicle operator. A
18 school permit shall not be issued until ~~such person~~ the applicant
19 has appeared before an examiner to demonstrate that he or she is
20 capable of successfully operating a motor vehicle, moped, or
21 motorcycle and has in his or her possession an examiner's
22 certificate authorizing the county treasurer to issue a school
23 permit.

24 Any such person desiring a school permit may first obtain
25 an LPE-learner's permit from the county treasurer, which permit
26 shall be valid for a period of two months. An LPE-learner's permit
27 shall not be issued until such person demonstrates that he or she
28 has sufficient powers of eyesight to safely operate a motor

1 vehicle, moped, or motorcycle. While holding the LPE-learner's
2 permit, the person may operate a motor vehicle on the highways of
3 this state if he or she has seated next to him or her a person who
4 is a licensed operator or, in the case of a motorcycle or moped, if
5 he or she is within visual contact of and is under the supervision
6 of a person who, in the case of a motorcycle, is a licensed
7 motorcycle operator or, in the case of a moped, is a licensed motor
8 vehicle operator. Such licensed motor vehicle or motorcycle
9 operator shall be at least twenty-one years of age and licensed by
10 this state or another state.

11 The county treasurer shall collect the fee prescribed in
12 section 60-4,115 from each successful applicant for a school or
13 LPE-learner's permit. All school permits shall be subject to
14 revocation under the terms of section 60-496. Any person who
15 violates the terms of a school permit shall be guilty of an
16 infraction and shall not be eligible for another operator's license
17 or school, farm, LPD-learner's, or LPE-learner's permit until he or
18 she has attained the age of sixteen years.

19 Sec. 3. Original sections 60-4,120.01 and 60-4,124,
20 Reissue Revised Statutes of Nebraska, are repealed.